

BEFORE THE ARIZONA VETERINARY MEDICAL EXAMINING BOARD

IN THE MATTER OF:

IVAN WEINSTEIN, DVM

Holder of License No. 2021
For the practice of Veterinary
Medicine in the State of Arizona,

Respondent.

) **Case No.: 20-110**

) **CONSENT AGREEMENT**
) **FINDINGS OF FACT**
) **CONCLUSIONS OF LAW**
) **AND ORDER**

In the interest of a prompt and judicious settlement of the above captioned matter before the Arizona State Veterinary Medical Examining Board ("Board") and consistent with the public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. §32-2201 et. seq. and A.R.S. § 41-1092.07 (F)(5), the undersigned party, Ivan Weinstein, DVM ("Respondent"), holder of license No. 2021 for the practice of veterinary medicine in Arizona and the Board enter into this Consent Agreement, Findings of Fact, Conclusion of Law and Order ("Consent Agreement") as final disposition of this matter.

CONSENT AGREEMENT

Respondent understands and agrees that:

1. The Board has jurisdiction over Respondent and the subject matter pursuant to A.R.S. §32-2201, et. seq.

2. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement. Respondent has a right to a public hearing

1 concerning this case. He further acknowledges that at such hearing he could
2 present evidence and cross-examine witnesses. Respondent irrevocably waives
3 his right to such a hearing.

4 3. Respondent irrevocably waives any right to rehearing or review or to any
5 judicial review or any other appeal of these matters.

6 4. The Consent Agreement, once approved by the Board and signed by the
7 Respondent, shall constitute a public record, which may be disseminated as a
8 formal action of the Board. Sufficient evidence exists for the Board to make the
9 Findings of Fact and Conclusions of Law set forth in the Consent Agreement.

10 5. Respondent acknowledges and understands that this Consent
11 Agreement will not become effective until the Board approves it and it is signed
12 by the Board's Executive Director. Respondent acknowledges and agrees that
13 upon signing and returning this Consent Agreement to the Board's Executive
14 Director, Respondent may not revoke his acceptance of the Consent
15 Agreement or make any modifications to the document, regardless of whether
16 the Consent Agreement has been issued by the Executive Director.

17 6. If any part of the Consent Agreement is later declared void or otherwise
18 unenforceable, the remainder of the Order in its entirety shall remain in force
19 and effect.

20 7. Respondent acknowledges that any violation of this Consent Agreement
21 constitutes unprofessional conduct pursuant to A.R.S. § 32-2232 and may result
22 in disciplinary action pursuant to A.R.S. § 32-2234.

23 8. This Consent Agreement and Order is effective on the date signed by the
24 Board.
25

1
2 DATED this 30 day of JUNE 2020.

3
4 Ivan Weinstein DVM
Ivan Weinstein, DVM

5
6
7 **FINDINGS OF FACT**

8 1. The Board is the duly constituted authority for the regulation and control of
9 the practice of veterinary medicine in the State of Arizona.

10 2. Respondent holds license No. 2021 for the practice of veterinary medicine
11 in the State of Arizona.

12 3. On May 20, 2020, the Arizona Veterinary Medical Examining Board
13 opened an investigation regarding Respondent's non-compliance with Board
14 Order 18-17, In Re: Ivan Weinstein, DVM. The Board Order became effective on
15 April 30, 2018; Respondent was placed on Probation for 2 years to obtain 12
16 hours of continuing education (eight (8) hours in anesthetic complications and
17 four (4) hours in medical record keeping), as well as pay a civil penalty of \$2500
18 on or before the end of the Probationary period.

19 4. On May 16, 2018, the Board approved the continuing education plan
20 Respondent submitted in compliance with the Board Order.

21 5. On May 22, 2018, Executive Director Whitmore emailed Respondent and
22 mailed a letter stating the Board had approved the continuing education plan
23 and noted that Respondent had a deadline of April 30, 2020 to complete the
24 continuing education and pay the civil penalty.

25 6. No further information was received from Respondent.

1 7. On May 26, 2020, Respondent was sent a Letter of Inquiry notifying him of
2 the investigation and asking him to respond.

3 8. On June 3, 2020, Respondent responded to the Letter of Inquiry. He
4 apologized for missing the April 30, 2020 deadline; he completed the required
5 continuing education courses and submitted the certificates with his response.

6 9. Respondent further explained that his work hours had been cut due to the
7 coronavirus pandemic, his wife passed away, and he had experienced
8 personal medical issues. Due to the unexpected funeral and medical expenses,
9 Respondent is unable to pay the civil penalty at this time.

10 11 CONCLUSIONS OF LAW

12 10. The Findings of Fact constitutes a violation of **A.R.S. § 32-2232 (18)**
13 Violating or attempting to violate, directly or indirectly, or assisting or abetting
14 the violation or conspiracy to violate any of the provisions of this chapter, or rule
15 adopted by the Board or a written order of the Board for being non-compliant
16 of Board Order 18-17, In Re: Ivan Weinstein, DVM.

17 18 ORDER

19 Based upon the foregoing Findings of Fact and Conclusions of Law, it is
20 **ORDERED** that Respondent, License No. 2021, be placed on **PROBATION** for a
21 period of **sixty (60) days**, subject to the following terms and conditions that shall
22 be completed within the Probationary period.

23 1. Based upon the foregoing Findings of Fact and Conclusions of Law, **IT**
24 **IS ORDERED THAT** Respondent pay the civil penalty required by the Board Order
25 in Case 18-17 within sixty days of the effective date of this Consent Agreement.

1 The civil penalty of **two thousand five hundred dollars** (\$2,500.00) in the form of
2 a **cashier's check, certified check, or money order** made payable to the
3 Arizona Veterinary Medical Examining Board must be **paid on or before the end**
4 **of the Probationary period.**

5 2. Respondent shall obey all federal, state and local laws/rules governing
6 the practice of veterinary medicine in this state.

7 3. Respondent shall bear all costs of complying with this Consent
8 Agreement.

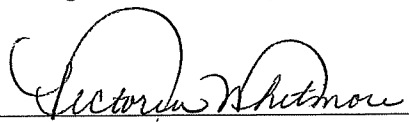
9 4. This Consent Agreement is conclusive evidence of the matters
10 described and may be considered by the Board in determining an appropriate
11 sanction in the event a subsequent violation occurs. In the event Respondent
12 violates any term of this Consent Agreement, the Board may, after opportunity
13 for Informal Interview or Formal Hearing, take any other appropriate disciplinary
14 action authorized by law, including suspension or revocation of Respondent's
15 license.

16 ISSUED THIS 9th DAY OF July, 2020.

17 FOR THE BOARD:

18 ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

19 Jim Loughhead, Chairperson

20 By 
21 Victoria Whitmore, Executive Director


22 Original of the foregoing filed
23 This 9th day of July 2020 with:

24 Arizona State Veterinary Medical Examining Board
25 1740 W. Adams St, Ste. 4600
Phoenix, Arizona 85007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Copy of the foregoing mailed by Certified, return receipt mail
This 9th day of July, 2020 to:

Ivan Weinstein, DVM
Address on file
Respondent

By: 
Victoria Whitmore, Executive Director